Meeting of 2003-11-25 Regular Meeting

MINUTES LAWTON CITY COUNCIL REGULAR MEETING NOVEMBER 25, 2003 6:00 P.M. WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

ROLL CALL

Mayor Cecil E. Powell, Also Present:

Presiding Larry Mitchell, City Manager

John Vincent, City Attorney Melody Cudd, Deputy City Clerk

ROLL CALL

PRESENT: Randy Bass, Ward One

Glenn Devine, Ward Three

Amy Ewing-Holmstrom, Ward Four

Robert Shanklin, Ward Five

Jeffrey Patton, Ward Six Stanley Haywood, Ward Seven Randy Warren, Ward Eight

ABSENT: James Hanna, Ward Two AUDIENCE PARTICIPATION: None.

CONSENT AGENDA: Approve all items as recommended.

MOVED by Devine, SECOND by Haywood, to approve the Consent Agenda items as recommended. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED

- 1. Consider the following damage claims recommended for denial: Brigitte Schemonia, Southwestern Bell Telephone Company, and Gary Shayne Hayden. Exhibits: Legal Opinions/Recommendations.
- 2. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Southwestern Bell Telephone Company, Kathleen Reynolds, Fernando Lopez, and Allison Booth. Exhibits: Legal Opinions/Recommendations; Res 03-178; Res 03-179; Res 03-180; and Res 03-181.
- 3. Consider authorizing the City Attorney to initiate litigation against Ronald and Patricia Waggoner to recover damages sustained by the City in a vehicle accident causing damage to a City of Lawton pick-up truck. Exhibits: None.
- 4. Consider approval of the Retainer Agreement for Professional Services with Crawford & Associates, P.C., to provide professional financial services to the City of Lawton and the Lawton Water Authority, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None. Agreement on file in the City Clerk s office.
- 5. Consider approving Change Order No. 2 for the NW 38 th Street (Cache Road to Rogers Lane) Water & Sewer Line Relocation Project #2003-9 with Jim Mayes Co., Inc. Exhibits: None.
- 6. Consider approving the extension of the loan of *Songs of the Past* a sculpture by Allan Houser to the Museum of the Great Plains from January 1, 2004, through December 31, 2004. Exhibits: Contract and copy certificate of insurance is on file in the City Clerk's office.
- 7. Consider approving the record plat for Tomlinson Commercial Addition. Exhibits: Plat Map.
- 8. Consider rejecting bid proposals for the McMahon Park In-Line hockey Rink Project #2002-7 and authorizing staff to manage construction of the project. Exhibits: None.
- 9. Consider approving Change Order No. 2 for the Fire Station #5 Relocation Project 2000-17 with Wicker Construction Co., Inc. Exhibits: None.

- 10. Consider acknowledging receipt of permits for the construction of sanitary sewer lines from the Oklahoma State Department of Environmental Quality to serve Sub-Basins 208 & 209 Sewer Line Project, City of Lawton, Comanche County, Oklahoma. Exhibits: None.
- 11. Consider entering into an agreement with the Comanche Nation's Workforce Investment Act (WIA) Program and authorize the Mayor to sign the agreement. Exhibits: Agreement.
- 12. Consider approving the following contract extensions: Concession Lease McMahon Park (RFPCL03-057) with LaSill Optmist. Exhibits: None.
- 13. Consider awarding contract for Sludge Lagoon Cleaning (CL04-020). Exhibits: Department recommendation and Abstract of Bids.
- 14. Consider awarding contract for Skid Steer Loader (CL04-017). Exhibits: Department recommendation and Abstract of Bids.
- 15. Consider awarding contract for Hardware/Software Support Agreement (RFPCL04-018). Exhibits: Department recommendation and Abstract of Bids.
- 16. Consider approval of payroll for the period of November 10 through November 23, 2003.
- 17. Consider approval of Minutes of November 11, 2003, Regular Council Meeting.

BUSINESS ITEMS:

18. Hold public hearings and adopt resolutions declaring the structures at 1901 SW 17 th Street; 411 NW 54th Street; 1103 NW Taft Avenue; 310 NW Bell Avenue; and 504 SW Park Avenue to be dilapidated and dangerous, thus causing a blighting influence on the community and detrimental to the public s health and safety. Authorize the City Attorney to initiate legal action declaring a public nuisance in District Court and Neighborhood Services to solicit bids to raze and remove structures, if appropriate. Exhibits: Res No 03-182; Res No. 03-183; Res No. 03-184; Res No. 03-185.

Angie Alltizer, Neighborhood Services Supervisor, distributed the current Council Policy 6-1 Granting additional time for compliance with building codes on condemned structures to all council members and to a few members of the audience and said this could become an issue during this portion of the meeting.

1901 SW 17th Street

Alltizer reported on 1901 SW 17th Street saying this location was referred to as the old Dunbar School and had been vacant at least 20 to 25 years, where chronic problems had occurred with securing and was unsecured yesterday when pictures where taken. Alltizer said there was a fire two years ago and the damage had not been repaired which has caused an attractive nuisance and a blight on the community. There was no record of City utility service. This structure was listed among the thirty commercial properties identified in August 2003 and is being brought tonight for a determination of action to pursue. Alltizer said a lot of ideas had been tossed around for this property but has seen little progress in the last year except for the erection of a chain link fence. Guidance was requested on how to address the code violations and the future of this structure.

Alltizer said United Social Actions Inc. was the current owner of this property and they had been in contact with the Neighborhood Services Division on the maintenance of this building and the fence was put up about six months ago.

Public Hearing Opened.

Edmond Gilbert, 1706 SW Washington, said this property was purchased and people had been working on the structure with no budget and only as money and time allowed, through donations. Gilbert said this building was being restored and not being rebuilt because this building is a heritage to the community. Gilbert said they had big ideas for the project and he requested more time for the restoration and their plan of action is to open June 19 th, 2004, to host the city s Juneteenth Celebration.

Fred Judy, 1401 SW Wisconsin, said south Lawton residents wanted to turn the building into a community center to provide social activities and programs to include job training and said he had applied for grants on behalf of the project and possible funding from a bank in Oklahoma City saying the goal was to complete Phase I renovations, working on the east end of the building to reach completion on June 19 th.

Judy said the new name for the property owners was Solutions Outreach and they wanted to revitalize the Lawton

View area turning this project into a place where young people could go for training and recreation.

Mayor Powell requested an action plan from Judy and Gilbert which would detail specific projects to be completed. Judy said some projects had been completed while funds were pending for further projects and \$15,000 had been allocated for the needed electrical work which would bring the building up to code and once electricity had been established the group would focus on other problems. Judy urged council to extend its deadline for work to be completed. Warren suggested each representative research the financial obligation necessary in bringing this structure up to code and Shanklin stated his concerns about \$15,000 being enough to restore the electrical to code. Haywood said the interior of the building was not in bad shape as the group had been projecting its efforts in that area and said they should spend time on the facing of the exterior of the building which would make a notable difference.

Public Hearing Closed.

MOVED by Haywood, SECOND by Patton, to give the owners until June 19th for renovations and they are to adhere to Council Policy 6-1 during the process. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Devine. NAY: None. MOTION CARRIED.

411 NW 54th Street

Alltizer said this was a single residential structure that had been damaged by fire in September 2003 and the city utilities were terminated in July 2001. A total of \$675.23 had been expended for abatement of tall grass and weeds and securing the structure.

Public Hearing Opened, as no one appeared to speak the Public Hearing Closed.

MOVED by Warren, SECOND by Ewing-Holmstrom, to approve Res 03-182 declaring this structure to be dilapidated and dangerous. AYE: Shanklin, Patton, Haywood, Warren, Bass, Devine, Ewing-Holmstrom. NAY: None. MOTION CARRIED.

1103 NW Taft Avenue

Alltizer said this was a single commercial structure that had no record of city utility service where significant structural problems existed to include life-safety and fire hazards. Alltizer said a large volume of junk and debris to include tires are on the premises and the Fire Marshall s office inspected this property in August 2003.

Public Hearing Opened, as no one appeared to speak the Public Hearing Closed.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to approve Res 03-183 declaring this structure to be dilapidated and dangerous. AYE: Patton, Haywood, Warren, Bass, Devine, Ewing-Holmstrom, Shanklin. NAY: None. MOTION CARRIED.

310 & 310 NW Bell Avenue

Alltizer said this was two residential structures which had been vacant for several years and the city utility service was terminated in March 2000. This structure has been unsecured more than three times in the past twelve months.

Public Hearing Opened.

Jimmie D. Jeffries, Route 2 Box 94A Lawton, said he purchased this property at a county auction last year and had not been able to begin the repair process.

Alltizer said the house in back was not in bad shape and could be brought up to code easily. Jeffries said it was his intention to tear down the larger structure and utilize the materials to bring the back structure up to code. Alltizer explained the process to Mr. Jeffries and said he would have fifteen days to obtain a remodel permit once council had placed this property on D & D and said he would need to make noticeable improvements within the next thirty days and added since this had been placed on D & D he would get half off on tipping fees at the landfill.

Public Hearing Closed.

MOVED by Shanklin, SECOND by Ewing-Holmstrom, to approve Res 03-184 declaring the structures at 310 & 310 1/2 NW Bell to be dilapidated and dangerous. AYE: Haywood, Warren, Bass, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

504 SW Park Avenue

Alltizer said this was a single residential structure where the front porch had collapsed and the city utilities were

terminated in March 2000. A total of \$493.69 had been expended for abatement of tall grass and weeds in the past two years and she said no response had been received from the property owner. Ewing-Holmstrom asked why property owners were not able to be contacted. Alltizer said in many instances the listed property owners had filed bankruptcy and the property had reverted back to the mortgage holder who also received a notice and liens are placed on the property and when it sells the city should get their money.

Public Hearing Opened, as no one appeared to speak the Public Hearing Closed.

MOVED by Haywood, SECOND by Shanklin, to approve Res 03-185 declaring this structure to be dilapidated and dangerous. AYE: Warren, Bass, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

19. Consider approving the Lawton Urban Homesteading Agency (LUHA) Work-out Plan for submission to the U.S. Department of Housing and Urban Development (HUD) and authorize the Mayor to execute the document. Exhibits: None. LUHA Work-out Plan is available for review in the City Clerk's office.

Tom Aplin, Housing and Community Director, said in July 2003 during a meeting HUD requested the City of Lawton develop and submit for HUD s approval a workout plan for the LUHA first time homebuyer project and now we are requesting council s approval of the proposed workout plan that has been developed by city staff. HUD asked for this plan for two reasons 1) the legal issue delays that had been experienced in implementing the program expeditiously and 2) as long as these properties are in LUHA s hands they are not benefiting low-moderate income individuals this program was designed to provide support and assistance. HUD reviewed and requested minor changes which have been incorporated in the plan and Housing is ready to submit it to HUD. We are asking your approval for this workout plan for submission to HUD.

MOVED by Shanklin, SECOND by Bass, to approve the workout plan and submit to HUD. AYE: Bass, Devine, Ewing-Holmstrom, Shanklin, Patton, Warren. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

20. Consider providing financial support to the Santa Shops Lawton Campaign. Exhibits: None.

Mayor Powell said there were a lot of people in the Lawton-Fort Sill area in support of this program and said there were many businesses supporting this as did last year.

MOVED by Bass, SECOND by Haywood, to approve funding from Council Contingency and provide financial support for this project. AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

Mayor Powell said this contribution would be used for printing of the tickets, coordinating of efforts where a person would be hired by LCCI for this purpose and would work through the program's completion.

21. Consider approval of the attached ordinance creating a youth advisory board (Student Civic Council). Exhibits: Ordinance # 03-52.

Kim Shahan, Parks and Recreation Director, said in 2001 a Youth Services Division was established in the Parks and Recreation Department with one of the main objectives being to research and identify what was effective throughout the United States in terms of students being involved in student s government while being able to assist in the process for helping a community provide the services needed for youth and said Lawton was one of eleven cities chosen to participate in a project through the National League of Cities promoting youth involvement in the community which was initiated through the grant process by Kerri Hobbs Stevens. During the research process, it was determined the cities who were having the most effective work done through youth and assistance in projects, had established a youth advisory board that was recognized by the governing body of the City and we felt that was the next step to take place. Shahan said an advisory committee had been working with Stevens for two years and needed to establish this board through the ordinance process.

Stevens said a team was assembled from all high schools throughout the City where students met together and worked on projects and when the project ended in the summer the students wanted to continue to work on the goals they had set. These students had proven to be a valuable asset to the City s youth program by providing input on their needs and desires for this community. This group continued to work together and named themselves Student Civic Council and decided to recruit more students from Lawton schools to make a youth advisory board to assist Parks and Recreation with projects and determine which projects should be completed for the young people in the community.

A local team was formed to work on this project comprised of adult youth leaders as well as students from each high school and from Cameron University. Though the project has ended, the students would like to continue as an advisory board to represent the young people of our community.

From the City's participation in the National League of Cities project, we learned that many other cities, have established youth advisory boards that have been beneficial to their communities. We would like to follow the

trend. Our board would like to be a resource to the city on issues involving the youth, as well as plan and implement community activities for families and initiate a youth philanthropy program to help fund youth-led community service projects.

The students have recruited new members, created by-laws and selected officers for the year. The concept of the advisory board and the by-laws have been presented to the legal department and approved. The board, known as the Student Civic Council (SCC), is to be made up of 25 students residing in the City of Lawton.

Stevens said another goal was to get youth representatives on community boards and commissions and would like to initiate more parent and child recreation activities to get parents more involved with their children. This organization is to provide youth a sense of belonging to this community.

Shahan said this group would meet at the Owens Multi Purpose Center and no funding was necessary as the Youth Services Coordinator had already been established which is the paid position for this operation and the next item to discuss is in reference to the philanthropy project which would be a committee to learn how to distribute funds received from grants based upon a set criteria.

<u>MOVED by Ewing-Holmstrom, SECOND by Shanklin</u>, to approve Ordinance 03-**51** creating a student civic council, establishing membership, qualifications, terms and duties.

(Title read aloud)

Ordinance 03-51

An Ordinance creating Division 2-3-15 and Section 2-3-15-390, Article 2-3, Chapter 2, Lawton City Code, 1995, creating a Student Civic Council for the City of Lawton, establishing membership, qualifications, terms of office and duties, providing for severability and declaring an effective date.

Mayor Powell said this group was working closely with the National League of Cities recognizing the efforts of other groups by participation and going to the meetings and said the Lawton United Way was voicing participation in this program and will be represented by Mrs. Mitchell at the National League of Cities in Memphis in December.

VOTE ON MOTION:

AYE: Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass. NAY: None. MOTION CARRIED.

22. Consider approving the Student Civic Council grant distribution guidelines and accepting the \$5,000 donation from the Laura Fields Trust for the establishment of this youth grant project. Exhibits: Award letter from Laura Fields Trust and Grant distribution guidelines for awarding grants.

Shahan said this item was a part of the establishment of the Student Civic Council regarding the distribution of grant funds. This money has been donated by the Laura Fields Trust and was not a part of City s financial obligations. This money was provided from an institution who is interested in assisting youth to learn how to provide funding to youth agencies and/or youth functions. These guidelines were established where opportunities would be given where even a young couple or a youth could present an idea or solution to the Student Civic Council and ask for a small grant from the Student Civic Council for their program. If approved, funds would be provided from the Student Civic Council and it is the City s objective to raise these funds in an effort to complete more projects. Shahan asked Council to approve the guidelines for awarding and also approve receiving the grant from the Laura Fields Trust.

MOVED by Devine, SECOND by Ewing-Holmstrom, to approve the Student Civic Council grant distribution guidelines and accept the \$5,000 donation from the Laura Fields Trust for establishment of this youth grant project. AYE: Ewing-Holmstrom, Shanklin, Patton, Haywood, Warren, Bass, Devine. NAY: None. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Status Report of Commercial Properties

Gary Buckley, Assistant City Manager, said this report was a follow-up on the status of the commercial properties previously listed on a D & D list and said there were questions at the last council meeting regarding the properties identified. A current progress list has been provided explaining the action taken on each property where there are still properties that have not been started and these owners have been identified and will be cited within the next week or so.

Shanklin asked how these addresses related to the list that was provided to Council during the summer months and requested to review that list where council was to make recommendations of actions to be taken toward each property. Mitchell said a list was provided last summer but little response was received on the direction council wished for staff to proceed and this is a result of that initial list.

Alltizer said the initial list compiled in August consisted of thirty properties and had been the same list the division

had been working with for the past several months. Shanklin said council was to identify the properties they desired NS to proceed with from the August listing. Alltizer said if there were additional properties council wished to add to the list or properties or they wanted to remove off the list, then from that list NS would send a letter to each property owner addressing code violations and ask the property owners to complete a self-inspection and make an attempt to bring the structure up to code. Shanklin asked if the presentation was complete. Alltizer said this was the most current list available with exception to the 1901 SW 17 th Street - Dunbar School and 1103 NW Taft, and will be receiving written bids on the City of Lawton structure at 631 D Avenue.

Bass said when the list was provided to council last summer, it was requested they provide information to staff as to which property council desired to proceed. Alltizer said she was to work with those individuals that were making progress and additional time would be given to do something and said the do something, was to contact NS and provide a plan of action. NS was contacted by these property owners, some have proceeded as indicated and others have not and citations have been initiated on two property owners to see how the Municipal Judge would handle these property violations.

Bass asked if those properties were ever going to be brought before council. Alltizer said if council desired for those properties to be brought for condemnation hearings, that would be done, but requested those structures be identified this evening and she will proceed in that direction.

Shanklin said until council brings one or two of these to court that no one else was going to start with their property and if we are not going to do that, we are just spinning our wheels. Vincent said his department had been working with Neighborhood Services to develop the necessary evidence to file complaints with Municipal Court and two were ready to be filed. Alltizer said on one of those properties to be filed, the owner had made limited progress by addressing the easily corrected violations, so this would be a test case in Municipal Court to see the outcome. Alltizer said the division was not out of money for demolitions and said the demolished properties 1403 and 1405 NW Dearborn were completed in August 2001 and she would need to research the status of the liens with the City Clerk and also the County Clerk. Bass said if you don t bring them to the Council, and the property owner makes a half hearted effort to clean them up, then the City will be unable to issue citations, and asked where the citation process began saying if they didn t make progress in thirty days we would issue a citation and obviously that is not working.

Vincent said Council direction was to start the citation process the criminal process and the other side of the equation is the administrative side which is D & D and staff has not received direction to bring any of those back to Council for the D & D Admin process which will end up in District Court.

Mayor Powell said it was his recollection those property owners were going to be given thirty days and after that if nothing had been done and within ten days a citation would be issued. Alltizer said for those people who had not made progress, but had contacted NS, our normal process in NS is to send a letter alerting the owner of the violation giving them ten days to comply, which has been done on two commercial properties and has had contact, but no action had taken place. Of those two properties, one has started making progress very small things that will not bring him into compliance, Mr. Bobby Mansell, so NS has met with the City Prosecutor and the City Attorney to determine the best course of action to deal with filing these violations in Municipal Court and decided that filing a statement of charges would be necessary and has been started.

Bass said if these properties are not presented to Council, and they are not placed on D & D they don t have to get a permit which allows them to continue to be out of compliance forever, so until we bring them before Council. Alltizer said they were trying to pursue a different avenue with commercial properties and if Council desired these properties to be brought before Council, just let them know which properties to present and they would get started. Mayor said to bring Council a list using common judgment for D & D, just as had been done with residential structures.

Reports:

Patton wished everyone a happy Thanksqiving and wished all safe travels.

Warren said the family named MUG who had a concert in October, needed to come back to Lawton and take their posters down.

Shanklin wished Happy Thanksgiving to one and all.

Ewing-Holmstrom said the speed limit is 20 miles per hour along Gore Boulevard between 5:30 p.m. and midnight and also that MacArthur is traveling to Norman on Saturday where they will play Tulsa East Central for Football playoffs.

Devine announced his daughter as the coach at Crosby Park Elementary School volleyball team who won the student championship and regionals and their second team placed second and asked Shahan to inscribe on the

back of the medals City Championship next year.

Mitchell said he attended the Chamber Board Meeting and Phase One Contract the BRACK Study and Development Plan had been awarded to Telos of Lawton.

Haywood said Albert Johnson was still considering projects at the entrances of Lawton to welcome visitors and residents.

Mayor Powell welcomed military personnel back to Lawton-Fort Sill and said the hearing would take place in the morning at the Corporation Commission regarding the ruling on the Energetix Plant. Mayor Powell announced the next City Council meeting scheduled for Monday, December 8, 2003, 6:00 p.m. and the second meeting will be Tuesday, December 16, 2003, 6:00 p.m.

MOVED by Warren, SECOND by Devine, to convene in executive session as shown on the agenda and as recommended by the legal staff after a five minute recess. AYE: Warren, Hanna, Devine, Ewing-Holmstrom, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at 7:35 p.m. and reconvened in regular, open session at 8:05 p.m. with roll call reflecting all members present, except Hanna.

BUSINESS ITEMS:

- 23. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Brad Corley, DC-2003-89, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.
- 24. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending lawsuit of <u>Catherine Huffer vs. City of Lawton</u>, Case No. CIV-03-0082 HE, Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None. Adopt Resolution No. 2003-**186**
- 25. Pursuant to Section 307B(4) Oklahoma Statutes, consider convening in executive session to discuss Case No. CJ-2002-1200, <u>First Union Home Equity Bank vs. Aaron B. Green, et al.</u>, and Case No. 03-16433BH, <u>In Re: Donna Kay</u> Green, and if necessary, take appropriate action in open session. Exhibits: None.
- 26. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the employment of Kathy Fanning as City Clerk, and in open session, consider approving an employment agreement with Kathy Fanning as City Clerk and authorize the Mayor and Deputy City Clerk to execute the agreement. Exhibits: Proposed Agreement submitted under separate cover.

Vincent reported on Item 23 by reading the agenda item title and said discussion of the claim was held and no action was required at this time.

Vincent reported on Item 24 by reading the agenda item title to discuss the pending lawsuit of Huffer vs. City and said discussion was held on possible settlement and staff recommended approval of a Resolution approving settlement in the amount of \$12,500.

MOVED by Devine, SECOND by Shanklin, to approve Resolution 03-**186** for settlement in the amount of \$12,500. AYE: Haywood, Warren, Bass, Devine, Ewing-Holmstrom, Shanklin, Patton. NAY: None. MOTION CARRIED.

ITEM 25 TITLE WAS READ AND THE ITEM WAS STRICKEN AS PREVIOUSLY REQUESTED.

Vincent reported on Item 26 by reading the agenda item title and said the Council did convene to discuss the employment of Kathy Fanning as City Clerk and possibly approve an employment agreement. Vincent said there was considerable discussion and staff has no recommendation.

MOVED by Devine, SECOND by Haywood, to table to December 8, 2003. AYE: Devine, Shanklin, Patton, Haywood. NAY: Warren, Ewing-Holmstrom. ABSTAIN: Bass. MOTION CARRIED.

ADJOURNMENT.

There being no further business to discuss, the meeting was adjourned at 8:15 p.m. upon motion, second and roll call vote.